

CORRECTIONS AND LAW ENFORCEMENT

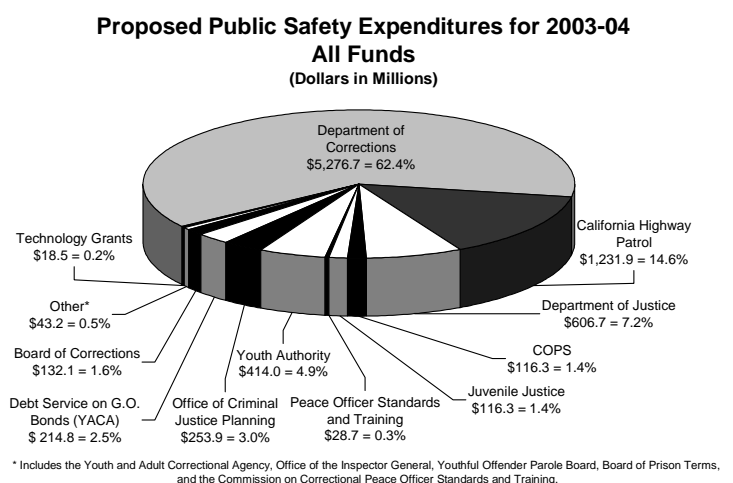
The Governor's Budget includes funding to support the various programs within the Youth and Adult Correctional Agency, Department of Justice, Office of Criminal Justice Planning, Commission on Peace Officer Standards and Training, Office of the Inspector General, and the California Highway Patrol. Funding for these programs will be approximately \$8.5 billion in total funds, and reflects a 0.7 percent decrease compared to the revised 2002-03 Budget. The level of funding proposed for each of these agencies is shown in Figure CLE-1. Highlights of the more notable funding changes included in the Governor's Budget for these programs are further described below.

Youth and Adult Correctional Agency

The Secretary for the Youth and Adult Correctional Agency is responsible for providing day-to-day policy direction and broad administrative guidance to the departments and boards relating to youth and adult detention services, including the Department of Corrections, Board of Prison

Terms, Department of the Youth Authority, Youthful Offender Parole Board, and the Board of Corrections. The Secretary also provides oversight for the Narcotic Addict Evaluation Authority and the Commission on Correctional Peace Officers' Standards and Training. Total funding for these programs will be approximately \$5.9 billion in 2003-04. This amount reflects a 0.5 percent increase over the revised 2002-03 Budget.

FIGURE CLE-1



Department of Corrections

The Department of Corrections (CDC) is responsible for the incarceration of convicted felons and the supervision of these felons after their release on parole. The CDC is responsible for providing safe and secure detention facilities and necessary support services to inmates, including food, clothing, academic and vocational training, and health care.

The CDC's inmate population is projected to increase from 160,661 on June 30, 2003, to 161,039 by June 30, 2004, an increase of 378 inmates, or 0.2 percent. The parole population is projected to decrease from 117,233 on June 30, 2003, to 115,387 by June 30, 2004, a decrease of 1,846

parolees, or 1.6 percent (see Figure CLE-2). The Governor's Budget proposes \$5.3 billion and 46,174 personnel years for state operations and local assistance programs to accommodate these populations, resulting in an increase of \$40.2 million and 817 personnel years from the revised 2002-03 Budget. In 2003-04, incarceration and parole services will be provided through 34 institutions, 11 reception centers, 38 camps, and 11 community correctional facilities.

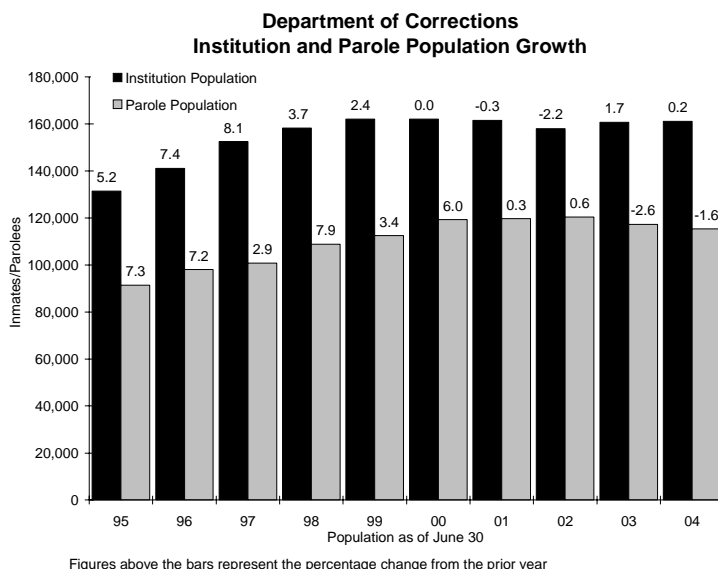
California has an incarceration rate of 453 inmates per 100,000 population, compared to a nationwide rate of 470 inmates per 100,000, ranking it thirteenth among the 50 states, and fourth among the ten most populous states (see Figure CLE-3). Adequate funding for State prison operations ensures the safety of the public and the officers and staff who supervise and work with confined criminals.

The Budget proposes reductions for the Department totaling \$10.5 million General Fund in 2002-03 and \$63.1 million General Fund in 2003-04, including the following:

Academic and Vocational Education—\$46.2 million for the academic and vocational education budgets, which will more closely align the Department's education budget with historical expenditures.

Conversion of the Northern California Women's Facility—\$1.5 million and 79 personnel years in 2002-03 and \$10.2 million and 242 personnel years in 2003-04 due to the closure of the Northern California Women's Facility, which will be altered to house male inmates. The proposal for the new use of the facility will be reviewed during the Spring budget process,

FIGURE CLE-2



but it is anticipated the facility will be re-opened as a male facility in the 2004-05 fiscal year.

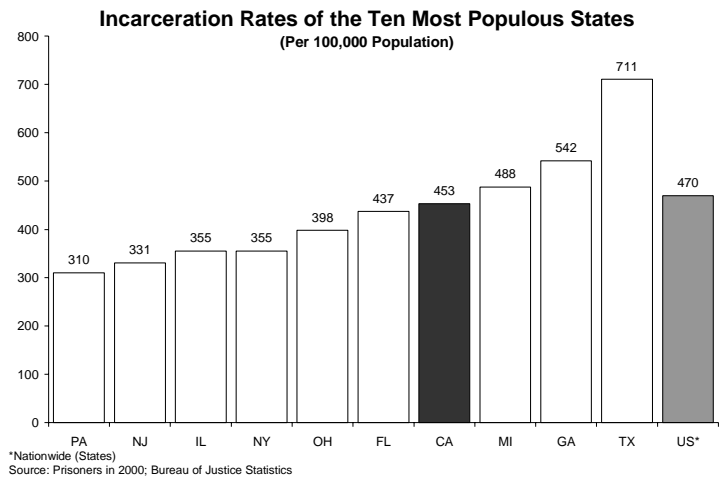
Change in Academy Training—\$1.3 million and an increase of 4 personnel years in 2002-03 and a reduction of \$3.6 million and an increase of 23 personnel years in 2003-04 by changing the training from 16 weeks at the Academy to 12 weeks at the Academy and 4 weeks of on-the-job training at an institution.

Arts in Corrections Program—\$578,000 in 2002-03 and \$2.6 million and one personnel year in 2003-04 by eliminating the Arts in Corrections Program, an instructional arts program that uses professional artists to teach inmates art. The Arts in Corrections program will be replaced by the Handicraft Program, which is a non-instructional arts and crafts program.

In addition to these reductions, and in an effort to promote accountability regarding institutional expenditures, the prospect of budgeting each institution with a separate Organizational Code in the Budget Act will be examined as part of the Spring budget process. The Department has begun the process of reviewing budgeting and accounting procedures in order to determine the necessary steps and timeframe for implementation. Depending on the length of time necessary to complete the changes to various fiscal processes, a Spring proposal may be submitted to the Legislature for inclusion in the 2003 Budget Act.

The Budget also includes various augmentations, including the following:

FIGURE CLE-3



Inmate Security Plan—An increase of \$5.5 million and 75 personnel years to establish standardized staffing at authorized Administrative Segregation Units statewide, establish three regional gang debriefing teams, and develop standardized staffing packages for all institutions.

California Medical Facility Staffing for Enhanced Outpatient Program—\$884,000 and 12 personnel years in order to remain in compliance with court mandates to provide continued custody supervision and programming for mentally ill inmates.

Developmentally Disabled Program/Disability Placement Program—Continuation of \$613,000 and eight personnel years, and an increase of \$61,000 and one personnel year to implement court mandates related to services for inmates and parolees with developmental disabilities.



Sick Leave Relief—\$21.1 million and 114 personnel years in 2002-03 and \$14.7 million and 327 personnel years in 2003-04 to provide sick leave relief in line with usage patterns for posted positions.

San Quentin Condemned Staffing—\$604,000 and nine personnel years to provide additional security to control violence of condemned inmates.

500 Bed Substance Abuse Treatment Expansion—\$5.4 million and nine personnel years for a 500-bed expansion of the Substance Abuse Treatment Program, including aftercare treatment for 50 percent of the program graduates. These beds will increase the total budgeted substance abuse beds statewide to 9,001.

Medical Evaluations Related to Respiratory Protection Program—\$152,000 for medical evaluations of correctional officer applicants who may be required to wear respirators upon hiring.

Structural Workers' Compensation Shortfall—\$32.8 million in 2002-03, and \$115.8 million in 2003-04, including continuation of \$64.5 million in one-time funding, for increased workers' compensation expenditures.

Fiscal Impact of Collective Bargaining—\$2.4 million in 2002-03 and \$6.7 million in 2003-04 for the operational impacts of the most recent collective bargaining agreements, including costs to begin the activation of 500 Institutional Vacancy Plan positions, parole agent caseload reduction, legal representation costs, and survivor benefits for excluded employees.

Statewide Offender Management System—\$1.3 million and five two-year limited-term personnel years in order to develop a plan for replacement of several automated and manual systems used to manage offenders.

Proposition 36 Implementation—\$786,000 and 10 personnel years in 2002-03 and a redirection of \$1.3 million and 17 personnel years from the Board of Prison Terms in 2003-04 for the Department of Corrections to assume responsibility for Proposition 36 referrals to drug treatment.

Utilities Shortfall—\$12.9 million in 2002-03 and \$9.7 million in 2003-04 for projected utilities costs exceeding the Department's utilities budget.

Mental Health Services Delivery System—\$4.2 million and 36 personnel years for additional clinical and support staff to provide additional mental health crisis beds for mentally ill inmates, consistent with federal court requirements related to the provision of mental health services for inmates.

Correctional Treatment Center Licensing—\$1.5 million and 20 personnel years to license both the California Institution for Women and the Central California Women's Facility as Correctional Treatment Centers, consistent with federal court requirements related to the provision of medical services for inmates.

Inmate Medical Services—\$499,000 and four personnel years to provide telemedicine services at the four female



institutions, consistent with federal court requirements related to the provision of medical services for inmates.

Nurse-to-Patient Staffing Ratio—

\$1.4 million and 15 personnel years for additional clinical staff to ensure compliance with Department of Health Services' regulations that establish minimum licensed nurse-to-patient ratios.

Inmate Restitution, Inmate Banking, and Canteen System—\$155,000 Special Deposit Fund in 2002-03 and \$3.3 million (\$2.3 million Inmate Welfare Fund and \$1 million Special Deposit Fund) in 2003-04 to begin the development of automated inmate restitution, banking, and canteen accounting systems.

Incarceration of Undocumented Felons

The CDC expects to expend approximately \$552.2 million in 2002-03 for the incarceration of undocumented persons. Undocumented persons are estimated to comprise 13.2 percent of inmates in State prison. The CDC's costs in 2003-04 are estimated to increase to \$555.7 million, an increase of 0.6 percent. In addition, the Department of the Youth Authority expects to expend approximately \$18.7 million in both 2002-03 and 2003-04, resulting in a total State cost for CDC and the Youth Authority of \$570.9 million in 2002-03 and \$574.4 million in 2003-04, an overall increase of 0.6 percent between the two years. For 2003-04, it is estimated that California will receive approximately \$154.5 million in federal State Criminal Alien Assistance Program (SCAAP) funding.

At this level of funding, the State will be reimbursed for only 26.9 percent of the costs associated with the incarceration and related debt service associated with the undocumented felon population, with \$419.9 million in costs in excess of the level of federal reimbursements.

Department of the Youth Authority

The Department of the Youth Authority (Youth Authority) protects the public from criminal activity of youthful offenders by housing wards committed to the Department by juvenile courts. In order to help these youthful offenders become productive California citizens, the Youth Authority provides education, training, and treatment services to the wards.

The Department projects an institution population of 5,340 youthful offenders by June 30, 2003, which is a decrease of 105 from the level anticipated in the 2002 Budget Act. The 2003-04 year-end institution population is expected to decrease by 245 wards, resulting in a June 30, 2004, population of 5,095.

The Youth Authority operates 11 institutions, including 2 reception center/clinics, and 6 conservation camps, 2 of which are institution-based camps. The total Youth Authority design capacity is 6,527 beds, which includes the institutions, camps, and contracted beds.



The Youth Authority supervises parolees through 16 offices located throughout the State. The parole population is projected to be 4,040 by June 30, 2003, and decrease by 210 cases, to 3,830 by June 30, 2004.

The Governor's Budget proposes \$414 million and 4,537 personnel years for state operations and local assistance to provide treatment and training for youthful offenders in the care of the Youth Authority. The Budget includes augmentations totaling \$1.5 million for 2002-03 and \$8.3 million in 2003-04 to address the Department's ongoing programmatic needs. The Budget also includes reductions totaling \$6.7 million and 60 personnel years to address the State's revenue shortfall.

Additionally, an inflation adjustment to the sliding scale fee, for juvenile commitments from the counties to the Youth Authority, will result in a reduction to the General Fund of \$7.1 million, and a commensurate increase in reimbursement authority. These reductions will not affect the Department's ability to provide treatment services and training for youthful offenders in the Youth Authority.

Specifically, the Budget includes:

Correctional Treatment Centers— \$675,000 and 10 personnel years in 2002-03 and \$1.5 million and 18 personnel years in 2003-04 for staff and resources to facilitate the implementation of Correctional Treatment Centers at the Youth Authority.

Mental Health Intermediate Care Facility— \$844,000 and a reduction of one personnel year in 2002-03 and \$3.4 million and a reduction of one personnel year in 2003-04 to reim-

burse the California Department of Mental Health to staff and equip a 20-bed inpatient Intermediate Care Facility at the Southern Youth Correctional Reception Center and Clinic.

English Language Learners— \$1.2 million to meet the federal Office of Civil Rights standards for English Language Learner students.

Americans with Disabilities Act— \$500,000 to begin the design, construction, and alteration of Youth Authority facilities to comply with standards set out in the Americans with Disabilities Act Accessibility Guidelines.

Infrastructure Migration Project— \$1.3 million to continue the Infrastructure Migration Project, which will enable the Department to continue its transition to the industry standard operating system.

In addition to the adjustments noted above, the Budget reflects reductions totaling \$6.7 million and 60 personnel years spread over the Department's institutions and paroles and administration programs. These reductions will not affect the Department's ability to provide treatment services and training for youthful offenders committed to its custody.

Board of Prison Terms

The Board of Prison Terms (BPT) considers parole release and establishes the length and conditions of parole for all persons sentenced to the Department of Corrections under the indeterminate sentencing law, persons sentenced to prison for a term of less than life under Penal Code



Section 1168(b), and those serving a sentence of life with the possibility of parole. The Board may suspend or revoke the parole of any prisoner who has violated the conditions of their parole. The Board also determines the necessity for rescission or postponement of parole dates for persons sentenced to prison for life, persons sentenced under Penal Code Section 1168(b), and persons sentenced under the indeterminate sentencing law.

The Budget includes the following for BPT:

Life Prisoner and Parole Revocation Hearings—\$1.4 million and eight personnel years in 2002-03 and \$675,000 and five personnel years in 2003-04 to address a projected increase in parole revocation workload.

Proposition 36 Implementation—A redirection of \$1.1 million and 12 personnel years to the Department of Corrections associated with the transfer of responsibility for Proposition 36 referrals to drug treatment.

Revise Mentally Disordered Offender Process—A reduction of \$1 million and five personnel years to reflect a reduction in the number of hearings conducted by Deputy Commissioners in the Offender Screening Section.

Board of Corrections

The Board of Corrections (BOC) is responsible for establishing standards for the construction and operation of local jails and juvenile detention facilities, compliance inspections, and employment standards and training for local corrections and

probation personnel. In addition, the BOC administers various correctional facility construction and juvenile justice local assistance grant programs.

The Budget reflects the following reduction for the BOC:

Elimination of Reimbursement for Training Local Correctional Officers—

\$16.8 million Corrections Training Fund (CTF) associated with the partial reimbursement of tuition, travel, per diem, and staff replacement costs for training local correctional officers. This program has historically been funded through penalty assessment revenue as well as revenue transfers authorized through Budget Act Control Section 24.10. In addition to the elimination of the local assistance portion of this program, the Budget includes a transfer of \$10.2 million CTF to the General Fund, and deletion of the Control Section 24.10 transfer of \$6.5 million. The portion of local correctional officer training costs currently paid for by the State would now become the responsibility of local correctional agencies.

Office of the Inspector General

The Office of the Inspector General has the responsibility for oversight of the State's correctional system through audit and investigations of the departments and boards within the Youth and Adult Correctional Agency. To carry out its oversight functions, the Budget proposes \$7.7 million and 70 personnel years, which includes



a reduction of approximately \$1.8 million and 18 personnel years in light of the State's current fiscal situation, as follows:

Management Review Audits—A reduction of \$449,000 and five personnel years to reflect reductions to the number of management review audits performed by the Office. Management review audits of Wardens of the Department of Corrections and Superintendents of the Youth Authority are proposed to be conducted by the Office as necessary, rather than the currently mandated investigation upon the completion of four years in the position.

Investigation of Acts of Retaliation—A reduction of \$1 million and ten personnel years to reflect reductions to investigations of complaints of intentional engagement in an act of reprisal, retaliation, threat, or coercion from an employee of the Youth and Adult Correctional Agency. It is proposed that investigations of acts of retaliation be conducted on a permissive rather than on a required basis as currently mandated by law.

Administrative Positions—A reduction of \$330,000 and four personnel years to reflect reductions to administrative positions commensurate with the reductions in audits and investigations.

Department of Justice

The Attorney General serves as the State's primary legal representative and chief law enforcement officer, and is responsible for ensuring that California's laws are uniformly enforced.

For 2003-04, the Governor's Budget proposes \$606.7 million and 5,137 personnel years, including \$151.9 million for law enforcement programs, \$204.9 million for legal service programs, \$152.5 million for the Criminal Justice Information System program, \$14.1 million for the Gambling Control Division, and \$14.5 million for the Firearms Division. The Governor's Budget proposes the following major adjustments:

Medi-Cal Fraud and Elder Abuse

Workload—\$545,000 General Fund, \$1.6 million federal funds, and 19 personnel years to provide funding for the investigation, arrest, and prosecution of Medi-Cal fraud, elder abuse and neglect, and poor quality of care in federal Medi-Cal funded facilities.

Energy Litigation—\$9.5 million General Fund and 34 personnel years on a two-year limited term basis to continue the investigation and litigation of illegal activity that has been determined to be responsible for California's energy crisis.

California Youth Authority (CYA) Class

Action Lawsuit—\$10.7 million for 2002-03 and \$4.3 million for 2003-04 to defend the CYA in a class action lawsuit challenging CYA policies and procedures concerning conditions of confinement.

Spousal Abuse Prosecution Program—A reduction of \$3 million General Fund due to the elimination of the program to assist district attorneys and city attorneys in the vertical prosecution of spousal abuse. These services are an integral part of local law enforcement responsibilities, and it is expected that these costs will be paid by local entities.



Forensic Crime Lab Fees—A \$3.5 million increase in reimbursements, and an offsetting decrease in General Fund due to a proposal to charge local agencies a portion of the costs for processing and analyzing physical evidence.

In addition, the Governor's Budget includes additional reductions of \$15.9 million General Fund for the Department of Justice, which are spread across the Department's various divisions and programs. Included in this amount are reductions of \$5.8 million for costs associated with outside contracts and consultants, \$3 million due to the elimination of grants to support gang prevention activities, and a reduction of \$5.9 million in out-of-state travel, equipment, and other Department operating expenses. These reductions will not affect the ability of the Department to fulfill its law enforcement mission.

Additionally, the Department is proposing legislation that will establish a new program to recover costs of the investigation and prosecution of civil actions. The Governor's Budget includes an augmentation of \$500,000 Public Rights Law Enforcement Special Fund, and an offsetting decrease in General Fund, to reflect the partial funding of Public Rights Division services from litigation settlements and cost recoveries related to this legislation.

Office of Criminal Justice Planning

The mission of the Office of Criminal Justice Planning (OCJP) is to reduce crime and delinquency and lessen its adverse effects upon the victims of crime in California. The

OCJP provides financial and technical assistance to State and local criminal justice and victim service agencies and community-based organizations. The Governor's Budget proposes \$253.9 million to continue efforts to enhance victim services programs, improve the criminal justice system, and reduce crime in California.

In response to the fiscal situation facing the State, the OCJP budget reflects the following changes:

Domestic Violence Programs—The transfer of \$9.5 million (\$730,000 General Fund, \$8.8 million federal funds) in local assistance funding to the Department of Health Services to consolidate all domestic violence programs within one agency. In addition, the OCJP budget reflects a reduction of \$359,000 Federal Fund State Operations funding and 1.4 positions associated with this transfer.

Local Assistance Reductions—A reduction of \$3.4 million General Fund associated with reductions to the following public safety local assistance programs, as well as a reduction of \$214,000 General Fund associated with various victims services local assistance programs.

- ◆ \$230,000 in the California Community Crime Resistance Program.
- ◆ \$350,000 in the California Career Criminal Prosecution Program.
- ◆ \$288,000 in the California Career Criminal Apprehension Program.
- ◆ \$136,000 in the Serious Habitual Offenders Program.



- ◆ \$174,000 in the Vertical Defense of Indigents Program.
- ◆ \$6,000 in the Public Prosecutors and Defenders Training Program.
- ◆ \$1.6 million in the Vertical Prosecution of Statutory Rape Program.
- ◆ \$34,000 in the Evidentiary Medical Training Program.
- ◆ \$78,000 in the Suppression of Drug Abuse in Schools Program.
- ◆ \$236,000 in the Gang Violence Suppression Program.
- ◆ \$31,000 in the Multi-Agency Gang Enforcement Consortium Program.
- ◆ \$200,000 in the Rural Crime Prevention Program.

State Operations Reductions—A reduction of \$319,000 General Fund and 2 positions related to reductions in various administrative activities at OCJP.

Commission on Peace Officers Standards and Training

The Commission on Peace Officers Standards and Training (POST) is responsible for establishing minimum selection and training standards for local law enforcement agencies and improvement of law enforcement management practices. The Governor's Budget includes \$28.7 million to continue the programs to establish training standards, develop and certify courses, and

assist law enforcement agencies in providing necessary training and career development programs.

The Governor's Budget also reflects a reduction of \$28.3 million as a result of the elimination of the program that partially reimburses local law enforcement agencies for the cost of student travel and per diem and reimbursement of overtime to replace line officers during training. This results in savings which will be transferred to the General Fund.

California Highway Patrol

The California Highway Patrol (CHP) is the State's largest law enforcement agency. It patrols over 105,000 miles of state highways and county roads, ensures the safe operation of commercial trucks through inspection at weigh stations, and protects State facilities and the people who work and conduct business in them. The 2003-04 Governor's Budget includes \$1.2 billion for 7,335 officers and 3,435 support staff.

With the inclusion of several new revenue proposals, the Governor's Budget provides continuing support for the CHP from its primary funding source, the Motor Vehicle Account (MVA). Further information on the new revenue proposals for the MVA can be found under the Business, Transportation, and Housing Agency/Motor Vehicle Account discussion. The Governor's Budget continues to reflect the anticipated receipt of funding from the federal government of \$75 million for the CHP's share of homeland security responsibilities approved in the 2002 Budget Act and continued in the



2003-04 Governor's Budget. It also includes a shift of funding for certain activities that increase funding from the State Highway Account (\$16 million) and the State Emergency Telephone Number Account in recognition of the amount of effort that the CHP directs toward the purposes supported by those funds.

The Governor's Budget also provides an augmentation of \$411,000 in 2003-04 for the California Motorcyclist Safety Program that trains new motorcyclists to ride safely and within the limits of the law; a current year augmentation of \$223,000 is also proposed due to increased program demand.



